

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8424 of 2020

Kumar

...Petitioner/Accused

Vs.

The State Rep. By
Sub Inspector of Police,
Thirukkalar Police Station,
Thiruvarur District.

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on Anticipatory bail in the event of his
arrest in Crime No: 303 of 2020 on file of the respondent Police.

For petitioner : Mr.Swami Subramanian

For respondent : Mr.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section U/s
294(b), 353 and 506(i) of I.P.C., in Crime No.303 of 2020 on the file of
the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had threatened

3.The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner is a history-sheeter and on the date of the incident, when he was questioned by the Sub-Inspector, he had shown a liquor bottle and threatened the Police.

5.This Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.1,000/- (Rupees Two Thousand Five Hundred only) as non-refundable deposit to the credit of President, Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Mannargudi, Thiruvarur District, on condition that

the petitioner shall execute a separate bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.1,000/- (Rupees One Thousand Only) as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerks Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157).**

[c] the petitioner shall report before the respondent police on every **Monday at 10.30A.M for a period of eight weeks** and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs.**

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

10.06.2020

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Internet: Yes/No

Index: Yes/No

To

1.The learned Judicial Magistrate No.1, Mannargudi, Thiruvarur District.
(Satisfaction Court)

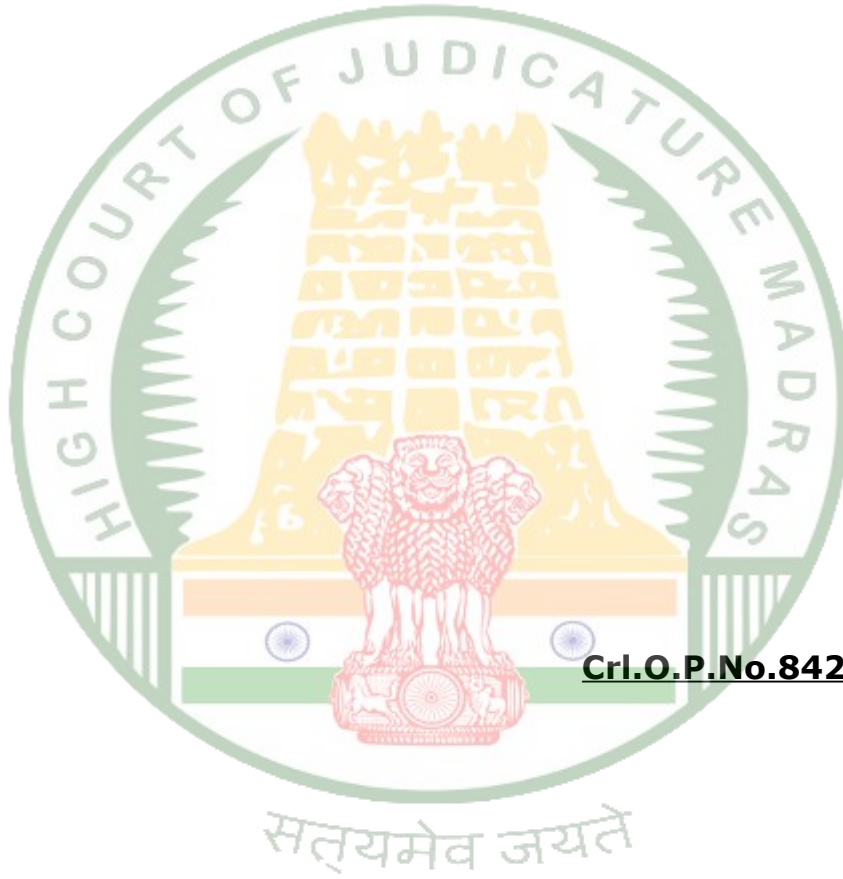
2.Learned Principal Sessions Judge, Thiruvarur (Dismissal Court)



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N.ANAND VENKATESH., J.

mrm



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